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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,658	12/17/2001	Neil Brendon O'Leary	93214.034	1777

7590 02/27/2003

Paul F. Wille  
6407 East Clinton Street  
Scottsdale, AZ 85254

EXAMINER
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KWON, MICHAEL J

ART UNIT	PAPER NUMBER
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3652

DATE MAILED: 02/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/022,658	O'LEARY ET AL.
Examiner	Art Unit	
Michael J. Kwon	3652	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 06 February 2003.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-10 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 6-10 is/are allowed.

6) Claim(s) 1-5 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 11 March 2002 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on 06 February 2003 is: a) approved b) disapproved by the Examiner.  
 If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
 a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### *Drawings*

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference character "75" has been used to designate both wheel (as shown in Fig. 5) and foot (as shown in Fig. 7). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamann et al.

Hamann et al. disclose an external lift 16 for a scooter 14 including post 330, platform 12 and load sensor 34. Re claims 2 and 3, note lock mechanism 300 of Hamann et al's. lift. Re claim 4, note roller 52 coupled to platform 12 which engages ramp 58 of Hamann et al's. lift as depicted in Fig. 8 of Hamann et al.

Claims 1-5 are rejected under 35 U.S.C. 102(b) as being anticipated by Bruno et al.

Bruno et al. disclose an external lift 50 for a scooter 70 including post 80, platform 500 and load sensor 222. Re claims 2 and 3, note lock mechanism 104, 220 of Bruno et al's. lift. Re

claim 4, note roller 110 and ramp 104 of Bruno et al's. lift. Re claim 5, note the hold down 600 of Bruno et al's. lift.

***Allowable Subject Matter***

Claims 6-10 are allowed.

The following is a statement of reasons for the indication of allowable subject matter:

Claim 6 contains allowable subject matter because the prior art of record does not teach or suggest the combination set forth and including: first spring attached to at least the first plate for separating the first plate from the second plate, and the platform is supported in horizontal position by the spring. The closest prior art of Ross does not show this.

Claim 9 contains allowable subject matter because the prior art of record does not teach or suggest the combination set forth and including: a bore in the bar and a pin attached to the post, wherein the pin engages the bore when the platform is in a raised position to prevent rotation of the platform. The closest prior art of Ross does not show this.

***Response to Arguments***

Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.

*Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Eul et al. disclose an apparatus for transporting scooters with a pivoting platform.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael J. Kwon whose telephone number is 1-703-305-5310. The examiner can normally be reached on Monday - Friday, 8 a.m. - 5:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eileen D. Lillis can be reached on 1-703-308-3248. The fax phone numbers for the organization where this application or proceeding is assigned are 1-703-308-0552 for regular communications and 1-703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 1-703-308-1113.

MJK  
February 23, 2003

*Janice L. Krizek 2-23-2003*  
JANICE L. KRIZEK  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3600